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11156

Bill for the
Prevention of
Slavery in
Oregon

read 1st time 25th June
2 - - 26 ..

refered to Committee
of whole this day
read by sections & adopted
Passed
26th June 1844

Entd

copied

An Act in regard to Slavery and Free negroes and Mulattoes.

Be it enacted by the Legislative Committee of Oregon as follows.

Sec. 1 That slavery and involuntary servitude shall be forever prohibited in Oregon.

Sec. 2. That in all cases where slaves shall have been, or shall here~~[illegible]~~after be brought into Oregon, the owners of such slaves respectively shall have the term of three years from the introduction of such slaves to remove them out of the Country.

Sec 3. That if such owners of slaves shall neglect or refuse to remove such slaves from the Country within the time specified in the preceding section, such slaves shall be free.

Sec. 4. That when any free negro ~~or~~ or mulatto shall have come, ~~or shall hereafter come~~ to Oregon, he or she (as the case may be) if of the age of Eighteen, or upward, shall remove from and leave the Country within the term of 2 years for males and three for females from the passage of this act; and ~~that~~ if ~~such~~ any free negro or mulatto shall hereafter come to Oregon, if of the age aforesaid, he or she shall ~~leave~~ quit and leave the Country within the term of ~~[illegible]~~ two years for males and three years for females ~~years~~ from his or her ~~time~~ arrival in the Country.

Sec. 5. That if ~~of~~ such free negro or mulatto be under the age aforesaid, the terms of time specified in the preceding section shall begin to run when he or she shall arrive at such age.

Sec. 6 That if any such free negro or mulatto shall fail to quit the Country as required by this act, ~~then it shall be the duty of~~ he or she may be arrested upon a warrant issued by some Justice of the peace, and if guilty upon trial before such Justice shall receive upon his or her bare back not less than 20 nor more than 39 stripes, to be inflicted by the Constable of the proper County.

Sec. 7. That if any free negro or mulatto shall fail to quit the Country within the term of six months after receiving such stripes, [illegible] he or she shall again receive the same punishment once in every six months until he or she shall ~~leave~~ quit the Country

Sec. 8. That when any slave shall obtain his or her freedom the times specified in the 4th section shall begin to run from the time when such freedom shall be obtained.

M M McCarver
Speaker

A Bill — 1109

to define the

[illegible] of Judges

of [illegible]

1847

[illegible]

[illegible]

[illegible] the [illegible]

the whole

[illegible]

Carried

40089

An act amendatory to an act entitled an act in the statute Law of Iowa defining the duties of Judges of elections, to be appended to the 8th section of that act

Be it enacted by the House of Representatives of Oregon Territory as follows —

and it shall be the further duties of the Judges to deposit all the votes in the box and no votes shall be counted until the polls are closed when the Judges shall put the tickets on a string and ~~and~~ within ten days after the election the Judges shall deposit them in the county Clerks office to be kept for reference —

all acts or parts of acts in any way conflicting with this act are hereby repealed. This act to be in force from and after its passage

1090

An act to create
and organize
____ County

Truly Engrossed
M. Crawford

Dec 20
Committed
to com on the
[illegible]

Reported &
adopted

Dec 2[illegible] read
a third time &
passed

1847

Copied

Be it enacted by the House of Representatives of Oregon Territory as follows.

Sec 1st That all that part of Oregon Territory situate, and lying within the following described boundaries, be and is hereby created and organized into a separate county, under the name of Benton County, to wit, commencing in the middle of the Willamette river, at the south east corner of Polk county, and running south, along the main channel of said river to its Sources thence due south to the 42nd parallel of north latitude, thence west along said parallel to the Pacific ocean, thence North along the coast of said ocean to the southern boundary of Polk county

Sec. 2nd That all within said boundaries shall comprise a county, for civil and military purposes, and be under the same laws, regulations, and restrictions, as all other counties in Oregon, and be entitled to elect the same county officers, that all other counties are entitled to elect.

Sec. 3rd That the county courts, of said county, shall be held on the First Monday in May & September in every year.

Sec 4 That Nathaniel Ford be and he is hereby authorized to survey, and mark out the line between Benton county, and Polk county, from the point of beginning to the coast range of mountains.

1091

An act providing for holding circuit Courts in the counties of Benton and Linn

Truly Engrossed
R Wilcox

Dec 28
referred to com of the whole

[illegible]c 28 read
a third time
& passed

Copied

Sec. 1st. Be it enacted by the House of Representatives of Oregon Territory, that the times of holding the Circuit Court in the counties of Benton, and Linn, shall be as follows— in the county of Linn, on the second monday of February and August— In the county of Benton on the third monday of February and August.

Sec. 3rd. This act to take effect and be in force from and after its passage.

Sect 2. The Judge of the circuit Court shall receive one hundred dollars in addition to his present salary as a full compensation for the extra duties imposed upon him by this act

A Bill 119.

To provide for taking the Census for 1848

Dec 27
read a first and second time & referred to Com of the Whole

A H

an act to provide for taking the census in 1848

11092

Sec 1. Be it enacted by the House of Representatives of Oregon Territory that the Sheriffs of the Several countys in oregon Territory are hereby otherized and required to take a census of all the citizens residing in their respective Counties

Sec 2. that the said Sheriffs Shall at the time of assesing the taxable property in their respective counties in eighteen hundred and forty eight proceed to take The census of all the white male and female inhabetance in their respective counties and make full returns thereof to the county clerk at ~~or before~~ the ~~last day of August next~~ same time the assesment is returned

Sec 3. this act to be in force from and after its passage together ~~with~~ the ages of

under twenty one years of age and also all
those of the age of twenty one
and upwards —

for his time &

and that the sd Pltff shall be allowed one cent for each person so returned to be paid out of the Co Treasury

1093

An act to provide for the payment of the several departments ~~of the~~ of Oregon Territory ~~for the current year ending Dec 28. 1847~~ as provided for by law

Dec 27 read a first time

Read a second time and refd to Com of the whole Act

[illegible]

time and passed

100 00

Sec 1 Be it enacted by the House of Representatives of Oregon Territory that the Sum of 1200 00 be and the Same is hereby appropriated for Pay of Legislative department

Sec 2 That the Sum of 500, 00 be and is hereby appropriated for Executive Department ~~300~~·40

Sec 3 for the ~~Relief of A L Lovejoy~~ Prosecuting Attorney 300·00

Sec 4 for the Relief of Fredrick Prigg Secretary of Territory 80·38

Sec 5 for the Relief of G W Bell Auditor of Public Accounts 68·87½

Sec 6 ~~that the Sum of~~ Pay for Territorial Treasurer 500
~~be and the Same is hereby Appropriated~~
~~for the relief of John H Couch former Treasurer~~

Sec 7 That the Sum of 1600·00

8th be and the Same is hereby Appropriated

9 for Pay of the Judiciary [illegible]

10 for Pay of Indian department 200·00

11 Contingent Expenses 500·00

This ~~[illegible]~~ act to take effect and be in force from and after its passage

1094

A Bill
to repeal the
Currency Law.

Decr 13 read a
first time

Decr 14 read second
time and refrd to
Com on the whole

---

amended & adopted
Dec 16—

To be Engrossed

1847

Copied

amended and
adopted Dec 16—

Your Committee to whome was refferd that portion of the Governors Messag relative to the Currency have had the same under consideration and beg leave to report the following Bill

"An act to amend an act Entitled an "Act Relative to the Currency

Sec 1st Be it Enacted by the House of Representatives of Oregon Territory that somuch of the act Entitled an Act Relative to the Currency Makeing Orders on Solvent Merchants Wheat and ~~[illegible]~~ Treasury drafts a Lawful tender in payment of Judgements rendered in the Courts of Oregon. ~~Individual Contracts~~ be and the same is hereby Repealed

Sec 2d That nothing but Gold & Silver shall hereafter be a Lawful tender in payment of all Judgements rendered in the courts of Oregon Territory ~~Individual indebtedness~~ whare no special contract has been Made to the Contrary

Sec 3d That ~~Government~~ Treasury drafts upon Said Territory shall be a Lawful tender in payment of all taxes agents or Officers of Said territory not otherwise provided for by Law

~~Sec 4 That this Law take effect & be in force from & after [illegible] day of~~ ~~January~~ ~~October~~ ~~A.D. 1848~~

A. J. Hembree Chn

The Bill
amendatory to an
act Entitled an
act to provide for
the assessing and
collecting the
Revenue and for
other purposes

1185

A Bill to define the
duties of Territorial
& County Treasurers
and for other purposes

Dec 21 read
first time

Dec 22 read
a second time
and refd to Com
of the whole

[illegible]

1847

Not Complete

An act to define the duties of Treasurers &c

it shall be the duty of the Judge of the circuit court to forthwith appoint a prosecuting attorney pro tem. whose duty it shall be to bring suit on such offical bond and prosecute the same to effect, also to commence an action against said Prosecuting attorney in the name of Oregon Territory for neglect of duty.

Sec 14. If any officer whose duty it is made by law to receive or collect any public money shall fail neglect or refuse to pay over the same as directed by law he shall be deemed a defaulter, and disqualified from holding any office of trust or profit during the time he shall so remain a defaulter

Sec 15. The Sheriff shall receive five per cent on the amount of Territorial revenue by him collected and fifteen per cent for County Revenue by him collected. Which shall be in full for assessing and collecting the County and Territorial Revenue.

Sec 16th. All laws and parts of laws ~~[illegible]~~ contrary to the provisions of this act be and they are hereby repealed. This act to take effect and be in force and applicable to the assessing and collecting Territorial and County Revenue for the year 1848. and for the collection of Revenue after that time.

A Bill to provid for ways and means

Sect 1st Be it enacted by the Legislative Committee of Oregon as follows That in order to raise a revenue for the purpose of defraying the expenses of the government There shall be levied and Collected a tax of One eighth of one percent upon the following property at a fair valuation, to wit, all merchandise brought into this Country for Sale, Improvements on Town lots, Mills, Pleasure Carriages, Clocks, Watches, Horses, Mules, Cattle, and Hogs—

Sec 2 All male Citizens over the age of twenty one years being a decendant of a white man Shall be Subject to pay a poll tax of ~~one dollar~~ fifty Cents

~~Sec 3 That it shall be the duty of the Collector of the revenue to require of each and every merchant in Oregon to give him a just and true statement in writing to amount of all merchandise on hand and all received by him after the passage of this act to be stated upon Oath or affirmation which Oath or affirmation the Collector Shall have power to administer and the Collector Shall Collect and receipt for the Same which receipt shall serve the said merchant as a license for twelve months bearing date from the time given~~

Sect 4 That any person refusing to pay a tax as in this act required Shall have no benefit of the laws of Oregon and Shall be disqualified from voting at any election in this Country

Sect 5 That the Sheriff Shall serve as ex officio Collector of the revenue for which he Shall receive as ~~a~~—

That it shall be the duty of the collector of the revenue, to require of each and every merchant in Oregon to give him a ~~list~~ statement in writing of the amount of all merchandize on hand, ~~to be~~ stated upon oath or affirmation ~~and the collector shall have power to administer such oath~~ which oath or affirmation the collector shall administer and

---

pensation for his Services ~~seven~~ ten percent upon all monies Collected as revenue -

Sec 6 That the Sheriff before entering upon the duties of his office as Collector of the revenue shall enter into bond with two or more good and sufficient securities ~~in a sum~~ of not less than five nor more than ten thousand dollars to be approved by the executive which approval shall be written on the back of said bond and the said Collectors bond shall be filed in the office of the Clerk of the Court

Sect 7 That the Collector shall pay over into the treasury on the first monday in each and every month ~~in~~ the year all monies that may be in his hands and get the treasurers receipt therefor .

Sect 8 That it shall be the duty of the ~~County Court~~ Tribunal transacting to require the Collector to settle with said Court at each and every regular term of the Court in ~~Tualatin~~ Clackamas County

Sect 9 The Collector of the revenue shall make full payment in to the treasury on or before the first monday in december in each year

Sec 10 The revenue of Oregon shall be collected in Specie or available orders on Solvent merchants in Oregon

Sec 11 That all acts and parts of acts contrary to this act be and the same are hereby repealed

Sec 12 This act to take effect from and after its passage pensation for his services ~~seven~~ ten percent upon all monies collected as revenue -

Sec 6 That the Sheriff before entering upon the duties of his office as Collector of the revenue shall enter into bond with two or more good and sufficient securities ~~in the~~ a ~~sum~~ of not less than five nor more than ten thousand dollars to be approved by the executive which approval shall be written on the back of said bond and the said Collectors bond shall be filed in the office of the Clerk of the Court

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Sec

That it shall be the duty of the collector of the revenue, to require of each and every merchant in Oregon to give him a ~~list~~ statement in writing of the amount of all merchandize on hand, to be stated upon oath or affirmation ~~and the collector shall have power to administer such oath~~ which oath or affirmation the collector shall administer, and said collector shall collect and receipt for the tax upon such merchandize, which receipt shall serve said merchant for a license for the next year commencing from the time given. And that when a merchant shall wish to renew his license he shall give a similar ~~list~~ statement of all merchandize rec'd by him for sale in the preceding 12 months, and the collector shall require him only to pay tax upon ~~said~~ the amount of said imports.

Committee
of
Ways & Means
report in part

County business

A Bill &c

1198

Bill to attach a
Portion of Talutine
County to Yam Hill
County

Read 1st time 26th June
2 " 26 " "

Refered to Committee
of whole house
this day
read and adopted

Passed
26th June 1844

En.d

Cd

1098

That the line between Yam Hill & Twalatine Counties shall be as follows Commencing in the middle of the Wallamette river at the mouth of Pudding river thence a direct course to the divide of the waters in Chahalem valley and thence due west to the Pacific

M M McCarver
Speaker

1099

A Bill

relative to the collection of Revenue for the year 1847

Dec 22 read a first time

Dec 23 referred the com of the whole

amended & adopted

Box 3

copied

An act relative to the County & Territorial Revenue for the year 1847.

Sec. 1st Be it enacted by the House of Representatives of Oregon Territory, That the several Sheriffs in their respective Counties be and they are hereby appointed to proceed forthwith to aſsess as the Law directs the taxable property in their respective Counties and make returns of the said aſsessment on or before the first day of March 1848. The several Sheriffs as such Aſsessors shall ascertain by the best poſsible means who has paid a territorial or County tax in their respective Counties for the year 1847. And such as shall satisfy said Aſsessor either by receipt of the Collector or the oath of the party. that they have paid their tax for the year 1847. shall be exempt from aſsessment

Sec. 2d. It shall be the duty of the Clerk of the County Court within ten days after the said Aſsessor shall have returned his said aſsessment to notify the Judges of the County Court. Any two of said Judges shall form a quorum to examine said aſsessment and equalize the same as is now directed by Law, and the said Clerk shall within five days after said equalization proceed to make out and deliver to said Sheriff a tax Book with the amount of taxes due from each person, and proceed forthwith to forward abstract of the aggregate amount of territorial tax due the Territory from Each County one to the territorial Treasurer and one to the Auditor of Public accounts

Sec. 3d. It Shall be the duty of the Sheriff of each County immediately after receiving the Tax Book from the Clerk of Said County to proceed to collect the taxes due in the Same manner as prescribed by Law for collecting taxes, and make returns of the Same on or before the first day of June 1848; also the amount of delinquences in his county

Provided, That nothing in this act Shall be so construed as to subject the property of immigrants who arrived in 1847 to taxation

Sec. 4th. This act to take effect and be enforced from and after its passage and that s'd Sh'ff shall receive 15 per cent on all monies by him collected which shall be a full compensation for his services as assessor and collector of the Revenue

1100

Report of Com.
of Ways & Means
on State of Finances —

Dec 9 —

Copied

The committee beg leave to report in part, and would respectfully submit the following

Indebtness of Post Office per Postmasters report		$116 —
Amount due the Hudson's Bay Co. Treasurers	"	$140.94
Unpaid Officers of last Quarter	" "	$494.82
Scrip outstanding	" "	$1879.64
		$2631.40

Amt collected from Estate of Ewen Young to present date $2815 —

Returns from Clackamas Polk, Yamhill and Twality counties as per Assesment Roll $1372.36

Probable expenses of the present Session of the Legislature ~~Printing~~ $905.00

The following named counties as yet have made no returns of assesment to the Treasurer — Champoeg. Vancouver. Lewis & Clatsop

6 2081

Protest.

I vote No. to the passage of a bill purporting to be "to amend the Organic Laws of Oregon"

Because in amending a Constitution in the manner the Organic Laws of Oregon ~~are amended~~, each distinct proposition presented to the people, ought to be distinctly voted upon by their Representatives.

Because proposed amendments to the Organic Laws which have been submitted to the people can not be in any sense considered as bills, they can neither be amended in committee ~~as~~ all bills may - nor is the sanction of the Executive required as in ~~other~~ acts.

Because ~~uniting~~ by making two ~~of them~~ distinct propositions submitted to the people ~~into~~ but one question before the House of Representatives - the object of the people is ~~defeated~~, because instead of each proposed amendment being disposed of according to its merits, they are made to share the same fate, tho the people instruct their Representatives differently upon the different propositions as was the case with the County of Polk.

Therefore in recording my vote against the bill, I do not consider that I am voting against either of the proposed Amendments of the Organic Laws of Oregon

Jesse Applegate.

1102

An act on the Postoffice Department

Copied

Be it enacted by the House of Representatives of Oregon Territory as follows

Sec. 1. That all Laws Relative to the Post Office Department be and the same is hereby Repealed

This act to take affect and be in force from and after the first day of January eighteen hundred and Forty Seven

Attest:
J. T. Hubber Clk

A L Lovejoy
Speaker

Oregon City 19. Decr. 1846
Approved.
Geo Abernethy

1103

An act to Locate and Establish a Territorial Road from Salem in Champoig County, to the Mouth of Marys River

Truly Engrossed
L Hull

Read 3d time &
Passed Dec 11—

copied

39 GRS

An act to locate and establish a Territorial Road from Salem in Champoig County to the Mouth of Marys River —

Sect 1 Be it enacted by the House of Representatives of Oregon, that James White, J O Riley and Theodore Prater of Polk County, be and they are hereby appointed Commiſsioners to locate and establish a Territorial Road commencing at Salem in Champoeg County, thence running on the nearest and best rout to and acroſs the Willammette River at Whites Ferry, thence the nearest and best route to the Mouth of Marys River in Polk County —

Sect 2 And be it further enacted that the Commiſsioners aforesaid or any two of them shall meet at the House of James Howard in Polk County on the first Monday of March next, for the purpose of proceeding to the discharge of their duties aforesaid, and that they be and are hereby authorised to adjourn from time to time and place to place as they may agree, and in case said Commiſsioners from any cause shall fail to meet at the time and place aforesaid or any time and place to which they shall have adjourned, then the Sheriff of Polk County be hereby authorised and required on the application of either of said Commiſsioners or any other person to notify in writing said Commiſsioners of some other day to be by him appointed, and require their attendance on such day at the place aforesaid

Sect 3 And be it further enacted that the proceedings and report of said Commiſsioners shall be regulated in accordance with and be governed by the prescriptions contained in an act, entitled an act to provide for laying out and opening Territorial Roads by the Legislative Body of the Territory of Iowa, approved Dec: 29th 1838

Sect 4 That it shall be the duty of the County Commissioners of Polk County without delay to cause the same to be opened and put in repair as soon as practicable on the receipt of the report of said Commissioners, and appoint suitable supervisors for the superintendance of the same as other County Roads

1104

An act to locate and establish a Territorial Road from Salem in Champoeg County, to the Mouth of Marys River

12 Dec
1846

copied

An act to locate and establish a Territorial Road from Salem in Champoig County, to the Mouth of Marys River—

Sect 1 Be it enacted by the House of Representatives of Oregon, that James White. J O Riley and Theodore Prater of Polk County, be and they are hereby appointed Commissioners, to locate and establish a Territorial Road, commencing at Salem in Champoig County, thence running on the nearest and best route to and across the Willamette River at Whites ferry, thence the nearest and best route to the Mouth of Marys River in Polk County—

Sect 2 And be it further enacted that the Commissioners aforesaid, or any two of them shall meet at the House of James Howard in Polk County on the first Monday of March next, for the purpose of proceeding to the discharge of their duties aforesaid, and that they be and are hereby authorized to adjourn from time to time and place to place as they may agree, and in case said Commissioners from any cause, shall fail to meet at the time and place aforesaid or any time and place to which they shall have adjourned, then the Sheriff of Polk County be hereby authorised and required on the application of either of said Commissioners or any person to Notify in writing said

Commissioners, of some other day to be by him appointed, and require their attendance on such day at the place aforesaid—

Sect 3 And be it further enacted that the proceedings and report of said Commissioners shall be regulated in accordance with, and be governed by the prescriptions contained in an act; entitled an act, to provide for laying out and opening Territorial Roads by the Legislative body of the Territory of Iowa, approved Dec: 29th 1838—

Sect 4 That it shall be the duty of the County Commissioners of Polk County, without delay to to cause the same to be opened and put in repair as soon as practicable on the receipt of the report of said Commissioners, and appoint suitable supervisors for the superintendance of the same as other County Roads.

Attest
N Huber Clk

A. L. Lovejoy Speaker—

Oregon City 12 Decr 1846
Approved
Geo. Abernethy

1105

An act for the Relief of John R Jackson

expird

An act for the relief of John R. Jackson, Collector and Assessor of Taxes, for Lewis and Vancouver Counties —

Sect 1 That John R. Jackson be and he is hereby granted, till the first day of May One thousand Eight hundred and forty Seven, to pay into the Territorial Treasury, the Taxes for Lewis and Vancouver Counties, for the years One thousand eight hundred forty five and forty Six

Attest } A L Lovejoy Speaker

[illegible] Clk

Oregon City 15. Decr 1846

Approved

Geo. Abernethy

1106

An act to divorce Nathaniel W Caldwell

Truly Engrossed
L Hall

Passed Dec 15

Expd.

An act to divorce Nathaniel W Caldwell, and Sarah Ann Caldwell his Wife —

Sect 1 Be it enacted by the Legislature of Oregon That the Mariage Contract, or bonds of Matrimony now in existance, between Nathaniel W Caldwell and his Wife Sarah Ann, be; and the same is hereby disolved

Attest;
[illegible] Clk

A L Lovejoy Speaker —

[illegible]
[illegible]
[illegible] Clk

1107

Act on Apportion=ment

Truly Engr'd

L Hall

Passed Dec. 16 - 1846

Report

An act on apportionment for 1847

Be it enacted by the House of Representatives of Oregon Territory — as follows —

Sect 1 That Vancouver County be entitled to elect One Member to the House of Representatives at the Annual election 1847

Sect 2 That Clatsop County be entitled to elect One Member to the House of Representatives at the annual election 1847.

Sect 3 That Lewis County be entitled to elect One Member to the House of Representatives at the annual election 1847

Sect 4 That Clackamus County be entitled to elect Three Members to the House of Representatives at the annual election 1847

Sect 5 That Champoig County be entitled to elect Five Members to the House of Representatives at the annual election 1847 —

Sect 6 That Twalatin County be entitled to elect Three Members to the House of Representatives at the annual election 1847 —

Sect 7 That Yam Hill County be entitled to elect three Members to the House of Representatives at the annual election 1847 —

Sect 8 That Polk County be entitled to elect three Members to the House of Representatives at the annual election 1847 —

This act to take effect and be in force at the annual election in June 1847 —

Attest:
C. V. [illegible] Clk.

A. L. Lovejoy
Speaker

Oregon City 19 Decr 1846
Approved Geo. Abernethy

1846 1108

An act to Amend the Organic Law

Truly Engrossed
S Hall

Passed Dec. 16 –

Copied

Whereas the Representatives of the People in 1845 passed a Law, two thirds concurring therein, to make Amendments to the Organic Law, and in accordance with the requirements of the law, two thirds will therefore be required of this House to make the same become a part of the Articles of Compact —

Therefore be it enacted by the House of Representatives of Oregon Territory —

Sect 1 That the Words (or more, in the first line of the fourth section of the third Article of the Organic Law, be and the same are hereby repealed

Attest:
N. Huber Clk

A L Lovejoy Speaker
Oregon City 19 Decr 1845
Approved
Geo Abernethy

1109 6

An act to Repeal the Act, Establishing a Criminal Court —

Truly Engrossed
L Hall.

Recommitted for an
Amendment Dec. 4 —
Reported back with=
out amendment = Dec. 4
Considered by [illegible]
[illegible] Committee — Dec 11

passed Dec. 17.

1845
1846

An act entitled an act to repeal the act Establishing
a Criminal Court —

Sect 1 Be it enacted by the House of Representatives
that the act establishing a Criminal Court in
Oregon, be and the same is hereby repealed —
This act to take effect and be in force, from and
after its Passage —

A L Lovejoy
Speaker

Attest:
[illegible] Clerk

Oregon City 19 December 1846

Approved
Geo. Abernethy

1110

An act to appoint Inspector

Truly Engrossed
L Hall

Passed Dec 17

Copied

An act, to appoint Inspectors and Prescribe their duties—

Sect 1 Be it enacted by the House of Representatives of Oregon Territory, That the Governor be and he is hereby authorized and required to appoint some suitable Person as Inspector in Oregon City, and such other Places as he may think Proper, Whose duty it shall be, to Inspect Wheat when called upon, and determine the quality thereof. the said Inspector shall receive the sum of One Cent for every Bushel of Wheat by him Inspected, to be paid by the Person applying—

Sect 2 Every Person appointed as Inspector, before entering upon the duties of his office, shall take an Oath to faithfully discharge the duties of said Office, without favour or affection—

This act to take effect and be in force, from and after its Passage—

Attest: A. L. Lovejoy Speaker

[illegible] Huber Clk Oregon City 19 Dec [illegible]

(Approved) Geo. Abernethy

1141

An act Legalizing the acts of Clatsap County —

Truly Engrossed

L Hall

Passed Dec 17

Copied.

An act Legalizing the acts of the County Court of Clatsop County —

Sect 1 Be it enacted, that the acts of the County Court of Clatsop County be, and the same are hereby Legalized —

A L Lovejoy
Speaker

Attest:
[illegible] Clk

Oregon City 19 Dec 1845
Approved
Geo. Abernethy

1112

An act Establishing
the County Seat of
Yamhill County

Truly Engrossed
L Hall

Passed Dec. 17

Copied

An act entitled an act to locate and Establish the County Seat of Yam Hill County —

Sect 1 Be it enacted by the House of Representatives of Oregon Territory as follows, That the County Seat of Yamhill County, be and the same is hereby Located and Established at or near the Falls of the Yamhill River, on the North side of said River where the Town of Lafayette is now laid off.

Attest: [illegible] Clk

A L Lovejoy Speaker

Oregon City 19 Dec 1846

Approved

Geo Abernethy

1113

An act to regulate the Manufacture and sale of Wine and distilled Spirituous Liquors —

Truly Engross'd

L Hall

Passed by a majority of [illegible] two thirds Dec. 18th 1846

Expd.

An act entitled an act to Regulate the Manufacture and Sale of Wine and distilled Spirituous Liquors

Sect 1 Be it enacted by the House of Representatives of Oregon Territory, That any person or persons, hereafter wishing to establish or carry on a Distillery for the Manufacture and Sale of Spirituous Liquors in any quantity, not leſs than Five Gallons, shall first make application to the presiding Judge of the County Court, of the County in which such Distillery is to be carried on, either in vacation or in term time, for a licence so to do, the said Judge as aforesaid shall be and he is hereby authorized on the said applicants producing to said presiding Judge the Certificate of the Territorial Treasurer, that such applicant has paid into the Territorial Treasury the sum of Three Hundred Dollars, proceed to grant a licence so to do for the term of Twelve Months and said Judge shall be entitled to receive Three Dollars for every licence so granted, to be paid by such applicant

Sect 2 That any person or persons desirous of selling Wine or distilled Spirituous Liquors, in any quantity not leſs than five gallons, and shall produce the receipt of the Treasurer of this Territory for Two hundred Dollars, shall recieve a licence so to do for the term twelve Months, in the manner and form as provided in the first section of this act

Sect 3 That any Person or Persons, desirous of selling Wine or distilled Spirituous Liquors in a leſs Quantity than Five Gallons, and shall produce the County Treasurers reciept for One hundred Dollars, in the manner and form as provided in the first section of this act, shall recieve a licence to Keep a Dram Shop for the term of Six Months, but such licence shall not authorize such Person or Persons to Keep a Dram Shop at more than one place at the same time, nor shall such licence be assigned or transferable —

Sect 4 That if any person or persons licenced to Keep a Dram Shop, shall directly or indirectly suffer any of the acts or things, specified in this section to be done in or about his Dram Shop, or the premises thereunto belonging, such Person shall be considered as Keeping a disorderly house, within the intent and meaning of this act, and the Condition of such Persons bond, shall be considered as broken, and he and his securities liable to the Penalty thereof — First, If such Person shall suffer any Kind of Gambling device of what ever name or description to be used for the purpose of Gaming, or shall suffer any person to bet, win, or loose any Money or Property on any game, played on or with any gambling device, or shall suffer any person to play at any game of Chance for any Money or other Property in the Shop or on the Premises thereto belonging, and be thereof Convicted, such Person shall be considered as Keeping a disorderly house — Second, If such Person shall on the first day of the Week commonly called Sunday, either directly or indirectly sell or barter any Wine or distilled Spirituous Liquors, to any Person except for medicinal Purposes, and be convicted thereof, such Person shall be considered as Keeping a disorderly house — Third — If such Person shall suffer a tumultuous Noise in his Dramshop, to the disturbance, or annoyance of any Person or Persons living contiguous thereto, and be convicted thereof, such person shall be considered as Keeping a disorderly house —

Sect 5 That any person applying for a licence to Keep a Dram Shop, shall, before such licence is delivered to him, enter into a bond with security, to be approved by the Presiding Judge of the County Courts, in the proper County Payable to the Territory of Oregon in the penal sum of 1000 dollars, conditioned that such Person will Keep an orderly House, and not suffer any act, or thing to be done in or about such Dram Shop, which is prohibited by this act. Which bond shall be filed in the Office of the Clerk of the County Court —

Sect 6 That any person not duly licenced so to do, who shall either directly or indirectly, sell, barter or give away, with intent to evade this act, any Wine or distilled Spirituous Liquor to any person within this Territory, shall upon conviction thereof forfeit and pay for the use of Oregon Territory a sum, not more than One hundred and fifty Dollars nor less than Twenty five Dollars for each and every offence —

Sect 7 That if any person shall sell barter or give either directly or indirectly any Wine or distilled Spirituous Liquor to any Indian within this Territory, every person so offending shall upon conviction thereof be fined in any sum not more than $300 — dollars nor less than $5 — dollars. —

Sect 8 That all forfeitures, penalties and fines incurred by violations of this act may be recovered either by indictment in the County Court, or by an action of debt, instituted in the Name of Oregon Territory, before any Court having cognizance thereof, and any person is hereby authorized to institute said suit

Sect 9 That all fines, penalties, and forfeitures, incurred by the violation of any of the provisions of this act, shall be paid into the County Treasury of the County, where such indictment is found or offence committed, for the use of said County

Sect 10 That whenever the condition of the bond provided for in the fifth section of this act, shall be broken, it shall be the duty of the Clerk of the County Court of the County in which such bond shall be filed, to institute suit thereon

Sect 11 That it shall be the duty of the Presiding Judge of the County Court, at each regular term thereof, to give this act in charge to the grand jury

Sect 12 That the act entitled an act to prevent the Manufacture, introduction, and sale of Ardent Spirits passed 24th June 1844. be and the same are hereby repealed

Attest:
[illegible] Clk

A. L. Lovejoy Speaker

An act establishing the office of Auditor of Public accounts and defining the duties of said office and for other purposes

was first & second time & committed to Committee of whole Dec 18

Read third time and passed Dec 18

[illegible]

copied

An act establishing the office of Auditor of Public accounts and defining the duties of said office and for other purposes

Sec 1 Be it enacted by the House of Representatives of Oregon Territory, There shall be an Auditor of Public accounts Elected by the House of Representatives and Commissioned by the Governor and Continue in office for the Term of two years and untill his Successor shall be duly elected and qualified, and before entering upon the duties of his office shall take the oath prescribed by the Organic Law and enter into bond to be approved by the Governor with at least two Sureties in the penal Sum of two Thousand dollars. Conditioned for the faithfull perform of his duties as required by Law

Sec 2. Should a Vacancy happen in the office of Auditor of Public accounts Or in any other office which it becomes the duty of the House of Representatives to Elect It shall be the duty of the Governor to fill said Vacancy untill the next session of the House of Representatives after said Vacancy shall Occur,

Sec 3 It shall be the duty of the said Auditor of Public accounts to Keep his office at Oregon City and Audit all accounts that may be presented against the Territory before the same shall be paid by the Treasurer. - It shall be the duty of the auditor: to report annually to the House of Representatives. the amount of claims so audited by him and in whose favor the same was so audited together with a full abstract of the State of the Territorial Treasury

Sec 4. It shall be the duty of the several Clerks of the County Courts, Immediately after making out the Tax books for their respective Counties, to forward a duplicate abstract of the aggregate amount of the Territorial Revenue due in their said Counties, one to the Treasurer and the other to the Auditor of Public accounts, and the said auditor shall enter the same in a book to be kept for that purpose, and it shall be the duty of the several Collectors of Territorial Revenue when they shall have their liability audited to pay the same into the Treasury and forthwith file their Quietus with the auditor of Public accounts, whose duty it shall be to enter the same, to the Credit of the said collector

Sec 5 The said Auditor of Public accounts shall do and transact all duties required by law to be done by the auditor of Public accounts, the same as if it was Specifically set forth in this act and the said auditor of Public accounts shall receive as a full compensation for his services two percent on all monies claims and demands by him audited

Sec 6 It shall be the duty of all officers who may collect any fine forfeiture or penalty for the use of the Territory to file with the Auditor of Public accounts forthwith the amount of Such fine forfeiture or penalty And the Said Auditor of Public accounts shall enter the Same in a book to be kept for that purpose And it shall be the duty of the Said Auditor of Public accounts to keep his books in Such a manner as to show the Assets and liabilities of the Territory by Reference to Said books

Sec 7 The Territorial Treasury shall forthwith furnish Said Auditor of Public accounts with the now State of Territorial Accounts as by him kept as Ex officio Auditor of Public accounts of this Territory

1115

An act establish-
=ing the Salary
of Prosicuting
Attorney

Dec 15th 1896

Aud.

Be it enacted by the House of Representatives of Oregon Territory

Sec 1st That the Prosecuting attorney of Oregon Territory shall receive for his services the sum of Three Hundred dollars per anum to be paid quarterly

Sect. 2nd This act to take effect from and after its passage, all acts and parts of acts, conflicting with this act shall be and the same are hereby repealed —

Attest:
W. K. Culver Clk.

A. L. Lovejoy
Speaker

Oregon City 19 Dec 1846
Approved
Geo. Abernethy

1116

An act on Appro=priation

Engd.

Be it enacted by the House of Representatives of Oregon Territory as follows—

Sect 1 That the sum of Twenty seven Dollars and eighty eight Cents be and the same is hereby appropriated for the relief of Fredric Prigg for services rendered from June 26th 1846 up to December 12th as Secretary of Territory—

Sect 2 That the sum of Thirty four Dollars and 25 Cents is hereby appropriated for the relief of A L Lovejoy for services as prosecuting Attorney from December 30th 1844 up to October 7th 1846

Sect 3 That the sum of ~~Eighty Do~~llars be and the same is hereby appropriated for the relief of J, W, Nesmith for services as Circuit and Probate Judge up to August 9th 1845

Sect 4 That the sum of One hundred and fifty Dollars be and the same is hereby appropriated to the Estate of John E Long for services as Secretary of State, revising Laws &c

Sect 5 That the sum of One hundred Dollars is hereby appropriated for the relief of S W Moss as Assessor for the year 1845—

Sect 6 That the sum of One hundred and sixteen Dollars be and the same is hereby appropriated for the relief of the Post Office Department—

Sect 7 That the sum of One hundred and forty dollars and ninety four Cents, be and the same is hereby appropriated to pay the Hudsons Bay Company as per Treasurers account—

Sect 8 That the sum of Four hundred and Ninety four Dollars and eighty two cents be and the same is hereby appropriated to unpaid officers of last quarter.

Sect 9 That the sum of One Thousand Dollars be and the same is hereby approriated to pay the Legislature up to the 19th December 1846,

Sect 10 That the sum of Fifteen Hundred Dollars be and the same is hereby appropriated for the pay of the Judiciary Department,

Sect 11 That the sum of Three Hundred Dollars be appropriated for the pay of the Executive Department

Sect 12 That the sum of Two hundred Dollars be appropriated for the pay of the Indian department.

Sect 13 That the sum of One Hundred Dollars be appropriated for Contingent Expences –

Sect 14 That the sum of Thirty two Dollars and twelve Cents be appropriated to the pay of H. M. Knighton for repairs done the Jail –

A. L. Lovejoy Speaker

Attest:
J. T. Huber, Clk

Oregon City 19 Dec 1846
Approved
Geo. Abernethy

1200

An Act to change the name
of Robins Nest to that of
Linn City — —
Read 1st time — 18th Decr
" 2nd " — " "
ordered to be engrossed
Read 3d time 19th Dec
and passed

1845

Cd

An Act to change the name of Robins Nest to that of Linn City.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That the Town on the West side of the Willamette Falls known by the name of Robins Nest be and the same is hereby changed to that of Linn City.

This Act to take effect from and after its passage

Attest J. E. Long
Clerk

H A G Lee
Speaker pro tem

Oregon City 22 Dec 1845

Approved
Geo. Abernethy

1201

An Act to authorize
Solemnizing Matrimony

Read 1st time 9th Decr
" 2nd " 10th "
referred to Committee of the
whole, adopted.
Read 3rd time & passed
11th Decr
1845

Cd

An Act to authorize solemnizing Matrimony.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That every ordained Minister of the Gospel in regular standing, of any denomination, the Supreme Judge, all District Judges, and Justices of the Peace, are hereby authorized to solemnize Marriages, and have the same recorded according to Law.

This Act to take effect and be in force from and after its passage.

Attest
J. E. Long
Clerk

H. A. G. Lee
Speaker Protem

Oregon City 12 Dec: 1845
Approved
Geo Abernethy

1202

An Act in relation to the
name of Counties —
Read 1st time — 18 Decr
" 2nd " " "
ordered to be engrossed —
read 3d time 19th Decr
and Passed

1845

Cd

in Laws

An Act in relation to the name of Counties

Be it enacted by the House of Representatives
Oregon Territory, as follows:

That the Secretary be and he is hereby authorized
Revising the Laws of Oregon, to insert the word "County"
re the word "District" occurs.

This act to take effect and be in force from and af-
t passage.

H A G Lee
Speaker pro tem

~~Attest~~ J. E. Long
Clerk

Oregon City 22d Dec 1845
Approved
Geo. Abernethy

1203

An Act in relation to the Presidents of District Courts

Read 1st time 9th Decr

" 2nd " 10th "

referred to Committee of the whole — adopted —

Read 3rd time 11th Decr

— and Passed —

1846

Cd

in Cases

An Act in relation to the presidents of District Courts.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

That all the Judges of the District Courts in Oregon, elected for the term of three years by the House of Representatives in 1845 be and they are hereby constituted Presidents of the Respective Courts for which they were elected, and are authorized and required to perform the duties of the same, and that all their official Acts so far as they are consistent with the Laws of Oregon, be and they are hereby declared legal.

This Act to take effect from and after its passage......

Attest
J. E. Long
Clerk

H. A. G. Lee
Speaker Protem
Oregon City 12 Decr 1845
Approved
Geo. Abernethy

1204

An Act to divorce
Mary Morias
Read 1st time 10th Decr
" 2 " " "
Ordered to be Engrossed
Read 3d time 11th Decr
and Passed
1845

Od

In Senate

An Act to Divorce Mary Moriás.

Be it enacted by the House of Representatives of Oregon Territory, as follows.

That Mary Morias, be and she is hereby divorced from her husband Francois Moriás, and the bonds of Matrimony heretofore existing between the said Mary Morias and Francois Morias are hereby diſsolved, and the said Mary Morias is hereby reinstated to all the privileges of an unmarried Woman.

This Act to take effect and be in force from and after its paſsage.

Attest
J. E. Long
Clerk

H. A. G. Lee
Speaker Protem
Oregon City 12. Dec 1845
Approved
Geo. Abernethy

1205

An Act confirming the appointment of Clerks of the Supreme & Criminal Courts

Read 1st time — 13 Decr

" 2 " 15 "

ordered to be engrossed

Read 3d time 17th D:

and Passed

1843—

Cd

in Coun

An Act confirming the appointment of Clerk of the Supreme and Criminal Courts in Oregon

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1 —— That the appointment by the Supreme Judge, of I. E. Long, Clerk of the Supreme and Criminal Courts in Oregon, be and the same is hereby confirmed.

Sect. 2 —— This Act to take effect and be in force from and after its paſsage.

Attest J. E. Long
Clerk

H A G Lee Speaker protem
Oregon City 18 Decr 1845
Approved
Geo. Abernethy

An Act to amend several Acts in relation to the assessing and collecting the Revenue

Read 1st time 9th Decr
" 2nd " 10th "
referred to Committee of the whole — adopted —
Read 3rd time & passed
11th Decr 1845.

in Council

An Act to amend the several Acts that have been passed and adopted in Oregon in relation to the Aſseſsing and collecting the Revenue.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1st ——— That the Sheriffs in their respective Districts be and they are hereby constituted ex-officio Collectors of the Revenue.

Sect. 2nd ——— That it shall be the duty of said Collectors to proceed immediately after the first day of January next, to complete the aſseſsment and collection of the Revenue for the year 1845 in their Districts aforesaid, as per aſseſsment roll furnished them by the Treasurer which he is hereby required to furnish, and as a full compensation for all such Revenue aſseſsed and collected by them, and paid into the Territorial Treasury, they shall each receive Ten per cent. which sum the Territorial Treasurer is hereby authorized to pay.

Sect. 3rd ——— It shall also be the duty of said Collectors to pay to the Territorial Treasurer all monies in their hands, on the last Saturday in each and every month, and to make a final settlement with said Treasurer on or before the last Saturday in May, 1846.

Sect. 4th ——— That it shall be the duty of each Collector immediately on the receipt of the aſseſsment roll from the Clerk of his District, for the year 1846. and each succeeding year, to proceed to collect the Territorial and District Revenue, and pay to the Territorial Treasurer all monies in his hands, belonging, to the Territorial Treasury, on the last Saturdays in each and every month and to the District Treasurer all monies in his hands, belonging, to the District Treasury on the first Mondays in each and every month, and make a final settlement with said Territorial and District Treasurers by the third Tuesday in November in each year; and for all such monies so collected and paid into the District and Territorial Treasuries, said Collectors shall receive eight per cent, which sum the District and Territorial Treasurers shall pay in their proper proportions respectively.

Sect. 5th ——— And it shall be the duty of said Collectors to proceed against all those in their several Districts, who neglect or refuse to pay their Taxes on or before the first Monday in October in each year, and collect the same as debts due on execution, and shall receive the like fees for the same.

Sect. 6th ——— That so much of the sixth section of the Act entitled "an Act defining the duties of Treasurer" Approved 20th August 1845, as authorizes the Sheriffs to collect the Taxes of defaulters, with 20 per cent thereon, be and the same is hereby repealed.

Sect. 7. ——— All Acts and parts of Acts conflicting with this Act be and the same is hereby repealed.

Attest

J. E. Long
Clerk

H. A. G. Lee
Speaker Prote

Oregon City 12 Decr. 1845
Approved
Geo. Abernethy

Bill on Judiciary

Read 1st time 22d J

2 " 24

Refer'd [illegible] Committee of whole House this 24th June

No 10

Postponed to tomorrow
read by sections and adopted 25th June

Passed 25th June
1844

reconsidered and
refer'd to Judiciary
Committee

Amend and adopted
27th June

Passed 27th June
1844

Ent'd

Cd

The Committee on the Judiciary most respectfully submit the following report, and recommend its adoption by the House.

An Act regulating the Executive Power, the Judiciary, and for other purposes.

Executive Power.

Be it enacted by the Legislative Committee of Oregon as follows.

Article 1.

Sec. 1. That the Executive power of this Government shall be vested in a single person, who shall be elected as other officers at the next annual election, and at the annual election to be held every two years thereafter, and who shall hold his office for the term of two years, and until his successor shall be duly elected and qualified; and shall be styled the Executive of Oregon.

Sec. 2. He shall have been a resident of the Country twelve ~~Six~~ months previous to his election, shall have paid a tax for the support of government, a free male citizen not under the age of twenty-four years.

Sec. 3. He shall be commander in chief of the military power of the Country, Shall commission all officers, and fill all vacancies by appointment until the next succeeding regular election. He shall have power to grant reprieves and pardons, shall see that the laws are faithfully executed, and Shall recommend such measures to the Legislative Committee as he may think necessary.

Sec. 4. In case the Executive Chair become vacant by death, removal from office or otherwise, the Speaker of the House shall fill the office until a successor shall be duly elected and qualified.

Sec. 5. The ~~subject~~ Executive shall be subject to impeachment before the House; for misconduct in office; and may be removed from office by a vote of two thirds of the members Present.

Sec. 6. He shall receive for his salary the sum of ~~One~~ three Hundred dollars annually.

Article 2.

Sec. 1. The Judicial Power shall be vested in Circuit Courts, and in as many Justices of the peace as shall from time to time be appointed or elected according to law.

Sec. 2. There shall be one Judge, elected by the qualified voters at the annual election who shall hold his office for one year and until his successor be duly elected and qualified; and who shall hold two terms of the Circuit Court in each County at such times and places as by law shall be directed, and shall receive the sum of ~~three~~ five Hundred dollars annually for his Salary. He shall also be entitled to such fees for probate services as are by law allowed.

Sec. 3. The Circuit Courts shall have original jurisdiction in all criminal cases; and in all cases in law and equity, where the amount sued for is not under 150 dollars, and also in all probate and County business, and appellate jurisdiction from Justices of the peace.

Sec. 4. The Clerk and Recorder shall perform the duties of Clerk of the Circuit Court of each County.

Sec. 5. It shall be lawful for the Sheriff and Clerk to appoint as many deputies as may be necessary, being responsible for their conduct, not to exceed one in each County.

Sec. 6. The Circuit Court shall cause a grand Jury to be empannelled at each term, to whom

the Court shall give a charge; which grand
Jury shall consist of not less than twelve nor
more than fifteen; and ten of whom may find a
bill.

Sec. 7. The Court may appoint any person to
prosecute in criminal cases, and when no
person will act, the Court shall examine
the witnesses for the prosecution, and shal
give the law in charge to the Jury.

Sec. 8. The Court shall cause a record to be Kep
of its proceedings.

Sec. 9. The Court may hold a called term
at any time to try a criminal.

Sec. 10 Justices of the peace shall have jurisdiction
in civil cases in all sums not exceeding
150 dollars.

Laws.

Article 3.

Sec. 1. All the Statute laws of Iowa Terri-
tory passed at the first session of
the Legislative Assembly of said Territo
and not of a local character, and not in-
compatible with the condition and circumsta
ces of this Country shall be the law of this
government unless otherwise modified; and
that the Common Law of England and
the principles of Equity not modified by
the Statutes of Iowa or of this govern-
ment, and not incompatible with its principles,

shall constitute a part of the law of the land.

Sec. 2. That the Resolution heretofore passed and recorded under the 19 Article ~~Section~~ of the Judiciary, be and the same is hereby repealed.

Sec. 3 That where not otherwise provided, all laws shall take effect and be in force from and after their passage.

Sec. 4 That all acts and parts of acts conflicting with this act, or any ~~and all~~ acts passed at this session. are hereby repealed.

Sec 5 That the act ~~passed~~ heretofore passed making the law of the ~~N~~ york in regard to witnesses and Jurors the law of this Country be and the same is hereby repealed.

Legislative Power.

Article 4.

Sec. 1. The Legislative Power shall be vested in a House of Representatives composed of representatives elected annually by the qualified voters of the several counties.

Sec. 2. The House of Representatives shall annually meet the 4th Tuesday in June ~~1st Monday in December~~ ~~third tuesday in June~~, at the Wallamette Falls.

Elections.

~~Be it enacted by the Legislative Committee of Oregon~~

Elections

Article 5th

Section 1. All officers shall be elected by th people once a year, unless otherwise prov ~~at such~~ at a general election to be held in each County the 1st Tuesday in June ~~the 2nd Sunday in May~~ in each year at such places as shall be designated by the Judge of the ~~Circuit~~ Court.

Sec. 2. As many Justices of the peace and Constable shall be elected from time to time as shall be deemed necessary by the Circuit Court of each County.

Sec.

Courts.

Article 6.

Sec. 1. The Circuit Courts shall be held in the several Counties as follows

For the County of Klackamus, on the first tuesdays in April and October

For the County of Champoick on the second tuesdays in April and October.

For the County of Yam Hill on the third tuesdays in April and October.

For the County of Tuality, on the fourth tuesdays in April and October.

For the County of Clatsop on the first mondays of March and September.

That the place of holding said Courts may from time to time be fixed by the Judge giving one months notice thereof.

Passed 25th June 1844

M. M. McCarver

Speaker

1253

A Bill to provide for the appointment of an Assessor &c for 1844

read 1st time 26th June
" 2 " 27th "

refer'd to Committee of whole
read and adopted

Passed
27th June
1844

Entd

Cd.

To Laws

A Bill to provid for an assessor & for the year 1844 to regulate the duties of his office

Sec 1st That it Shall be the duty of the executive Committe immediately after the passage of this act to appoint some suitable person as assessor whose duty it Shall be to assess the revenue of oregon

Sec 2 That the assessor so appointed Shall before entering upon the duties of his office [illegible] enter into bond to oregon in a sum of not more than one thousand dollars with good and sufficient security for the faithful performance of his duty as assessor which bond Shall be approved by the Clerk and recorder ~~which~~ which approval Shall be written on the back of said bond and the said bond Shall be filed in the office of the Clerk of the Court

Sec 3 That it Shall be the duty of the Executive ~~as soon as~~ Committee as soon as they Shall have appointed the assessor as above required to give ~~notice~~ notice to the Clerk of the Court who shall immediately notify such person so appointed of his appointment and the assessor so appointed Shall enter into bond within ten days ~~as above required within ten days~~ after he receives his notice of appointment

Sec 4 That it Shall be the duty of the Clerk & Recorder on or before the first monday in August A D 1844 make out and deliver to the assessor a blank ~~[illegible]~~ book sufficiently marked and headed for the use of the assessor

~~mechally naming such person~~ ...
... ted of his appointment and the

Sec. 7. That the said assessor shall have the right to appoint a deputy to assess Clatsop County, and shall be responsible for his conduct.

Sec. 8. That the assessor when he returns the Assessment book, shall make out a true statement in writing of the number of days he was necessarily employed in assessing ~~the County~~ the revenue, which statement he shall ~~say~~ verify by oath or affirmation, and which shall be filed with the clerk.

the militia of this Territory shall be aranged in

one Battalion consisting of six or more companys

of militia or ~~Independent~~ Volunteer Companys

Tualatine District shall form two Companys

Yamhill shall form at least one company

Champoeic District shall form two Companys

Clackamas District shall form at least one Company

the Company officers shall be elected by their respe

companys and returns of all such elections shall be ma

by the Judge of such election forthwith to the ex

ecutive whos duty it shall be to commission such officers

other [illegible]

1209

Bill to Prevent
the sale of
of Ardent Spts

Read 1st time 21st June
2nd " 22 June
3 " " 24 June

No 7

Passed 24th June
1844

Entd

Cd Gr Lamr.

Whereas the people of Oregon now occupy one of the most beautiful and interesting portions of the globe, and are placed in the most critical and responsible position ever filled by men, owing as they do, important duties to themselves, to their country, to posterity, and to mankind, as the ~~new~~ founders of a new government and a young nation; and whereas the introduction, distillation, or sale of ardent spirits, under the circumstances in which we are placed, would bring withering ruin upon the prosperity and prospects of this interesting and rising community, by involving us in idle and dissolute habits, inviting hither swarms of the dissipated inhabitants of other countries, checking emigration, destroying the industry of the country, bringing upon us the swarms of savages now in our midst, interrupting the orderly and peaceable ~~industry~~ administration of ~~the~~ justice, and in a word producing and perpetuating increasing and untold miseries that no mind can rightly estimate; therefore

Be it enacted by the Legislative Committee of Oregon as follows.

Article 1.

Sec. 1. That if any person shall hereafter import or introduce any ardent spirits into Oregon, with intent to sell, barter or trade the same, and shall offer the same for sale, trade or barter, he shall be fined the sum of Fifty dollars for each and every such offence ~~to be recovered~~ which may be recovered by indictment or by trial before a Justice of the peace without the form of pleading.

Sec. 2. That if any person shall hereafter sell, barter, or trade, any ardent spirits of any kind whatever, directly or indirectly, to any person within Oregon, he shall forfeit and pay the sum of twenty dollars for each and every such sale, barter, or trade, to be recovered by indictment in the Circuit Court, or before a Justice of the peace, without the form of pleading.

Sec. 3. That if any person shall hereafter establish or carry on any manufactory or distilling of ardent spirits in Oregon, he shall be subject to be indicted before the Circuit Court, as for a nuisance; and if convicted, he shall be fined ~~pay~~ the sum of One hundred dollars; and the Court shall issue an order to the Sheriff ~~when~~ directing him to seize and destroy the distilling apparatus, which order the sheriff shall execute.

Sec. 4. That it shall be the duty of all sheriffs, Judges, Justices of the peace, constables and other officers, when they have reason to believe that this act has been violated to give notice thereof to some Justice of the peace or Judge of a Court; who shall immediately issue his warrant, and cause the offending party to be arrested and if such officer has jurisdiction to try such case, shall proceed to try such offender without delay; and give judgement accordingly; but if such officer shall not have jurisdiction to try the case he shall if the party be guilty bind him over to appear before the next Circuit Court of the proper County.

Sec. 5. That all sales barter or trades made under color of gifts or otherwise with intent to evade this act shall be deemed a violation of the same; and all fines and penalties recovered under this act shall go into the general treasury, and all officers receiving the same, shall pay over to the sheriff, whose duty it shall be to pay the same into the Treasury.

Sec. 6. ~~Provided~~ That this act shall not be so construed as to prevent any practising physician from selling such liquors ~~in small quantities~~ for medicine, not to exceed one gallon at one time.

Sec. 7. That the clerk shall make out a copy of this act and put the same up in Oregon City as early as practicable.

Sec. 8. That this act shall take effect within 60 days from and after its passage.

Passed 24th June 1844
M. M. McCarver
Speaker

1210

Bill on Roads
read 1st time
21st June
read 2nd time 22d June

No 3

Passed 22nd June 1844

Taken up in
Committee of whole
22d June

Carried

Cd

In the [illegible]
[illegible] Law

The Committee upon Roads beg leave most respectfully to report the following Bill for the Consideration of the House.

Roads & Highways.

Be it enacted by the Legislative Committee of Oregon as follows.

Article 1st

Sec. 1. That the following roads be and they are hereby declared to be public roads and Highways to wit: The road now leading from the Wallamette Falls to the Fallaty Plains. Also the Road leading from Linnton to the Fallaty Plains.

Sec. 2. That all public roads and Highways shall be opened twelve feet wide clear of trees, logs, and other obstructions with the stumps cut low, and sufficient bridges and Causeways; and the space of ten feet on each side of the road shall be considered as appropriated to the use of the ~~road~~ same.

Sec. 3. All male inhabitants over sixteen and under fifty, who would be entitled to vote if of the lawful age, shall be liable to work on Roads, except as hereinafter stated.

Sec. 4 There shall be appointed by the Circuit Court of each County, as many overseers of public roads as the Court may from time to time deem necessary; and such overseer shall serve for one year and shall be exempt from working on road and performing military duty for the term of twelve months after his term of service expires.

Sec. 5. That when any road overseer shall be appointed, it shall be the duty of the Clerk to make out a copy of the record of his appointment within ten days thereafter, and deliver the same to the sheriff, whose duty it shall be to read the same to the said overseer or give him a written copy of the same, and to return the original with his return thereon indorsed into the clerk's office, within twenty days after such sheriff receives the same.

Sec. 6. That if any person refuse to act as overseer when appointed, or fail to perform his duty faithfully without reasonable excuse, he shall be fined the sum of fifty dollars to be recovered before the Circuit Court by indictment with costs.

Sec. 7. Any person wilfully obstructing any public road, shall be fined for each offence the sum of twenty dollars; and for every day the obstruction shall continue the further sum of two dollars to be recovered before the Circuit Court by indictment with costs.

Sec. 8. Upon the trial of all indictments under the two preceding sections, it shall be sufficient, if the indictment be against an overseer, to prove on the part of the prosecution by verbal testimony or otherwise that the road is a public road or used as a public road, that the defendant had been appointed overseer, or had acted as overseer of such road; and that he had refused to act, or had failed to perform his duty faithfully. And if against a person for obstructing a public road that the same was, or was used as a public road, and that the defendant had obstructed the same, and how.

Sec. 9. Such indictment, if against an overseer, may be in the following form, and if there be no attorney to prosecute, may be drawn up by the clerk, or any one appointed by the Court.

Oregon } In the Circuit Court
County of } of Term 18

The grand Jurors for Oregon for the body of the County of upon their oath present That A.B. on the day of 18 at the County of aforesaid was overseer of a public road leading from to and that the said A.B. did then and there refuse to act as such overseer; or (as the case may be) did then and there fail to perform his duty faithfully as such overseer, as aforesaid, Contrary to the form of the statute in such case made and provided, and against the peace and dignity of Oregon.

Or if for obstructing a public road as follows.

Oregon } In the Circuit Court
County of } of Term 18

The grand Jurors for Oregon for the body of the County of aforesaid upon their oath present. That A.B. on the day of 18 at the County of   aforesaid did obstruct a public road leading from   to   by felling a tree, rolling logs, drawing in rails, timbers, or other obstructions (as the case may be) contrary to the form of the Statute in such case made and provided and against the peace and dignity of the ~~State~~. Oregon.

Sec. 10. That if such indictment be defective it may be amended at any time without prejudice to the prosecution, and the same shall not fail for want of form.

Sec. 11 It shall be the duty of the Circuit Court to appoint some Justice of the peace in each County to serve as allotting Justice for one year, unless his office of Justice shall sooner expire, whose duty it shall be, upon the application of an overseer, to give to such overseer an allotment of hands, which alotment may be made by boundaries or by a list of names. It shall be the duty of the clerk to make out a copy of the record of such appointment and the Sheriff to serve the same in the same manner as in the case of overseers.

Sec. 12. New roads may from time to time be established and old roads changed, upon petition to the Circuit Court of the proper County, signed by twelve or more householders, residents of the County. Before the Court shall act upon the same the petitioners shall satisfy the Court that they have given notice of the time and place when and where they will present said petition by 4 written or printed advertisements put up in 4 of the most public pl[illegible] in the County, one month previous to the sitting of the Court. The Court at the same session shall hear evidence for and against the petition and shall establish or not establish the road in whole or in part, as a public road in its discretion.

Sec. 13. When a new road shall be established, or an old road changed as in the preceding section, if the Court deem it necessary, the Court may appoint one or more viewers who shall view out the route for said road and report at the next ~~session~~ term of the Court, when the Court may annul said road or change in a road or not, in its discretion. But if the Court be satisfied from the evidence that the route is already well viewed out, the Court shall appoint an overseer immediately and order said road or change in a road to be opened according to law.

Sec. 14. It shall be the duty of each overseer to ~~no~~ notify and call out the hands, giving at least three days previous notice, and work on the road as often as may be necessary: provided no person shall be compelled to work on roads more than 6 days in each year.

Sec. 15. In all cases where there shall be no Justice of the peace in the proper County to appoint as allotting Justice, the Court may appoint any individual to perform the duties of allotting Justice.

Sec. 16. (When an individual liable to work on roads, shall fail to do so, without reasonable excuse, when (notified by the overseer, he may discharge himself by paying to the overseer before suit brought, the sum of two dollars per day for each day he shall have failed to work, and in case the person so failing to work, shall refuse to pay the same, when called upon by said assessor, it shall be the duty of such assessor to enter suit against such person before some Justice of the peace in his own name, or in the name of the County, for the amount so remaining unpaid. Upon such trial neither the assessor nor the County shall ~~not~~ be liable for costs if the suit fail, but the defendant shall pay costs if judgment be given against him, and the assessor shall be a competent witness for the prosecution.

Sec. 19. All fines and penalties recovered under, and by virtue of this act, shall be appropriated by the proper assessor to the improvement of the proper road. except as herein after provided

Article 2.

Sec. 1. ~~That David Lenox Richard Williams & J.S. Griffin are hereby appointed to view out a route for a public road leading from the point where the road from Linnton now strikes the Tualaty Plains up through Chahalum Valley so as to intersect a road to be viewed from the Wallamette Falls, to the Falls of the Yam Hill river; and that said Lenox they report to William Beagle who is hereby appointed to the next term of the Circuit Court of Tualaty County. And it is hereby made the duty of the said Court to William Beagle to Daniel Mathany, who is hereby appointed overseer of said road.~~

Sec. 2. That Thomas McKay, Dupaty McKay and Allen Davy are hereby appointed to view and mark out a road from the Methodist Mission mills the nearest and best route to the Wallamette Falls, and that they report in part to Daniel Waldo who is hereby appointed overseer of that part of said road within Champoick County, ~~who shall cause the same to be opened according to law, and when opened shall be a public road~~, and in part to ~~that~~ William Holmes who is hereby declared to be the overseer of that part of said road lying in Klackamus County. That said Waldo shall have all the hands South of the said Mission Mills and East of the road leading from the said Mills by Lachapelle's to the new crossing on Pudding river, and the said Holmes all the hands in Klackamus County.

Sec. 3. That Joseph R. Patterson, Joseph Barnaby and M. Larack be and they are hereby appointed to view and mark out a road from—

the Methodist Mission Mills down the now used waggon way nearest the Wallamette river through the Wallace prairie, crossing at the upper bridge between Barnaby's and Champaigne place, thence to Champoick and from Champoick to intersect the road from the Methodist Missions Mills to the Wallamette Falls, and ~~that they report to Robt Newell~~ and that Robert Newell be and he is hereby appointed overseer of said Road, and shall have all the hands in Champoick County, except those allotted to Daniel Waldo.

Sec. 3. That ~~David Lenox~~ Daniel Mathews, Richard Williams, and J. S. Griffin be and they are hereby appointed to view out a route for a road leading from the point where the road from Linnton first strikes the Fallatty Plains, up through Chehalem Valley to the Falls of the Yam Hill river; and that they proceed to view and mark out said road as early as practicable and report to ~~Daniel Mathews~~ David Lenox, who is hereby appointed overseer of said road, and who is hereby required to open the said road ~~to be opened~~ according to law, and authorized to call on all the hands in the Fallatty ~~Plains~~ County except those assigned Wm Beagle and Caleb Wilkins ~~except those assigned to H Burns~~

Sec. 4. That Hugh Burns be and he is hereby appointed overseer of that part of the road leading from the Wallamette Falls to the Fallatty Plains lying between the Falls and the ~~Rocky Farm~~ Butte, and ~~that~~ all the hands at and within eight miles of the Wallamette Falls and on the West side of the Wallamette river, be allotted to work on said part of said road.

Sec. 5 That William Beagle be and he is hereby appointed overseer of the Road leading from Linnton to the Hallaty Plains and that all the hands at Linnton and Part of the prairie in the Hallaty plains be assigned to said Overseer.

Sec. 6. That Caleb Wilkins be and he is hereby appointed overseer of that part of the road leading from the Falls of the Wallamette to the Hallaty plains which lies between the Bute ~~Rocky Point~~ and said plains, and that the hands in the Hallaty Plains be assigned to said part of said road.

Sec. 7. That the Judge of the Circuit Court, Sheriff, Clerk, Justices of the Peace, the Executive Constables, and members of the Executive Committee shall be exempt from working on roads while in office.

Sec. 8. It shall be the duty of the Clerk and Recorder as early as practicable to make out a copy of this act for and deliver to each overseer; for which he shall receive the usual compensation, to be paid out of any funds the overseer may receive as fines or penalties under this act; and in case no fines or penalties be received during the year, then the clerk shall be paid out of the general treasury; for which he may present his account to the next session of ~~the Legislative Committee~~ this house. And he shall also ~~give~~ make out and give to each set of reviewers one copy of the Section of this act appointing them; and shall receive therefor the usual compensation to be paid out of the general treasury.

Sec 9 That all roads established under this act shall be public roads

Passed 24th June 1844.

Wm. M. McCarver
Speaker